

#### **7-19D-12. Municipal capital outlay gross receipts tax; purposes; referendum.**

A. Prior to July 1, 2005, the majority of the members of the governing body of an eligible municipality may enact an ordinance imposing an excise **tax** at a rate not to exceed one-fourth of one percent of the gross receipts of any person engaging in business in the municipality for the privilege of engaging in business. The **tax** may be imposed in increments of one-sixteenth of one percent not to exceed an aggregate rate of one-fourth of one percent.

B. The **tax** imposed pursuant to Subsection A of this section may be referred to as the "municipal capital outlay gross receipts **tax**".

C. The governing body, at the time of enacting an ordinance imposing a rate of **tax** authorized in Subsection A of this section, may dedicate the revenue for any municipal infrastructure purpose, including:

(1) the design, construction, acquisition, improvement, renovation, rehabilitation, equipping or furnishing of public buildings or facilities, including parking facilities, the acquisition of land for the public buildings or facilities and the acquisition or improvement of the grounds surrounding public buildings or facilities;

(2) acquisition, construction or improvement of water, wastewater or solid waste systems or facilities and related facilities, including water or sewer lines and storm sewers and other drainage improvements;

(3) acquisition, rehabilitation or improvement of firefighting equipment;

(4) construction, reconstruction or improvement of municipal streets, alleys, roads or bridges, including acquisition of rights of way;

(5) design, construction, acquisition, improvement or equipping of airport facilities, including acquisition of land, easements or rights of way for airport facilities;

(6) acquisition of land for open space, public parks or public recreational facilities and the design, acquisition, construction, improvement or equipping of parks and recreational facilities; and

(7) payment of gross receipts **tax** revenue bonds issued pursuant to Chapter 3, Article 31 NMSA 1978 for infrastructure purposes.

D. An ordinance imposing the municipal capital outlay gross receipts **tax** shall not go into effect until after an **election** is held on the question of imposing the **tax** for the purpose for which the revenue is dedicated and a majority of the voters in the municipality voting in the **election** votes in favor of imposing the **tax**. The governing body shall adopt a resolution calling for an **election** within seventy-five days of the date the ordinance is adopted on the question of imposing the **tax**. The question shall be submitted to the voters of the municipality as a separate question at a general **election** or at a special **election** called for that purpose by the governing body. A special **election** shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. If a majority of the voters voting on the question approves the question of imposing the municipal capital outlay gross receipts **tax**, then the ordinance shall become effective in accordance with the provisions of the Municipal Local Option Gross Receipts Taxes Act [Chapter 7, Article 19D NMSA 1978]. If the question of imposing the municipal capital outlay gross receipts **tax** fails, the governing body shall not again propose the imposition of the **tax** for a period of one year from the date of the **election**.

E. For purposes of this section, "eligible municipality" means a municipality that has imposed all increments of the municipal gross receipts **tax** pursuant to Section 7-19D-9 NMSA 1978 and all increments of the municipal infrastructure gross receipts **tax** pursuant to Section 7-19D-11 NMSA 1978 and has not imposed after January 1, 2001 any increment of the supplemental municipal gross receipts **tax** pursuant to the Supplemental Municipal Gross Receipts **Tax** Act [7-19-10 to 7-9-18 NMSA 1978].

**History:** Laws 2001, ch. 172, § 1.

**7-20E-21. County capital outlay gross receipts tax; purposes; referendum.**

A. Prior to July 1, 2005, the majority of the members of the governing body of an eligible county may enact an ordinance imposing an excise tax at a rate not to exceed one-fourth of one percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business. The tax may be imposed in increments of one-sixteenth of one percent not to exceed an aggregate rate of one-fourth of one percent.

B. The tax imposed pursuant to Subsection A of this section may be referred to as the "county **capital outlay** gross receipts tax".

C. The governing body, at the time of enacting an ordinance imposing a rate of tax authorized in Subsection A of this section, may dedicate the revenue for:

(1) the design, construction, acquisition, improvement, renovation, rehabilitation, equipping or furnishing of public buildings or facilities, including parking facilities, the acquisition of land for the public buildings or facilities and the acquisition or improvement of the grounds surrounding public buildings or facilities;

(2) acquisition, construction or improvement of water, wastewater or solid waste systems or facilities and related facilities, including water or sewer lines and storm sewers and other drainage improvements;

(3) design, construction, acquisition, improvement or equipping of a county jail, juvenile detention facility or other county correctional facility or multipurpose regional adult jail or juvenile detention facility;

(4) construction, reconstruction or improvement of roads, streets or bridges, including acquisition of rights of way;

(5) design, construction, acquisition, improvement or equipping of airport facilities, including acquisition of land, easements or rights of way for airport facilities;

(6) acquisition of land for open space, public parks or public recreational facilities and the design, acquisition, construction, improvement or equipping of parks and recreational facilities; and

(7) payment of gross receipts tax revenue bonds issued pursuant to Chapter 4, Article 62 NMSA 1978 for infrastructure purposes.

D. An ordinance imposing the county **capital outlay** gross receipts tax shall not go into effect until after an election is held on the question of imposing the tax for the purpose for which the revenue is dedicated and a majority of the voters in the county voting in the election votes in favor of imposing the tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. The question shall be submitted to the voters of the county as a separate question at a general election or at a special election called for that purpose by the governing body. A special election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. If a majority of the voters voting on the question approves the question of imposing the county **capital outlay** gross receipts tax, then the ordinance shall become effective in accordance with the provisions of the County **Local Option** Gross Receipts Taxes Act [Chapter 7, Article 20E NMSA 1978]. If the question of imposing the county **capital outlay** gross receipts tax fails, the governing body shall not again propose the imposition of the tax for a period of one year from the date of the election.

E. For purposes of this section, "eligible county" means a county that has imposed all increments of the county gross receipts tax pursuant to Section 7-20E-9 NMSA 1978 and all increments of the county infrastructure gross receipts tax pursuant to Section 7-20E-19 NMSA 1978.

**History:** Laws 2001, ch. 172, § 2.

**1-23-3. Election by all-mailed ballots.**

Notwithstanding any other provision of law and regardless of the number of eligible voters within its boundaries, a local government may, by resolution of its governing body, conduct by all-mailed ballot any bond **election**, any **election** on the imposition of a mill levy or a property **tax** rate for a specified purpose or any special **election** at which no candidates are to be nominated for or elected to office.

**History:** Laws 1987, ch. 160, § 3; 1989, ch. 73, § 1.

**New Mexico Constitution, Article IX**

**Sec. 9. [Use of borrowed funds.]**

Any money borrowed by the state, or any county, district or municipality thereof, shall be applied to the purpose for which it was obtained, or to repay such loan, and to no other purpose whatever.